

1885-023 Chancery Causes: Harvey M. Hall vs. Jeremiah Harber & Lee Co.

Fulkerson, Daugherty, Thomas

CA-Debt

T-Property



To the Hon. John A. Kelly Judge of the Circuit  
Court of Lee County, Virginia

Your Orator Harvey M. Hall a citizen of  
said County humbly complaining respectfully sheweth  
unto your Honor, that on the 31st day of January 1877  
he obtained before one E. H. Russell then a justice of  
the peace for said county a judgement at law against  
one Jeremiah Harber and Josiah Thomas for the  
sum of \$50.00 with legal interest thereon from the  
first day of January 1877 till paid, and the costs  
of \$1.00 for prosecuting his said warrant to judgement.  
The original warrants in that case, the said judgement  
and the execution which issued thereon is herewith  
filed as a part of this bill marked (A) on the  
back of which is a credit of \$100 paid thereon, and  
this is the only sum ever paid on said judgement. So  
that said sum of \$50.00 with its accruing interest  
is still due and owing to your Orator from said Harber  
and said Thomas. The said judgement your Orator  
has caused to be docketed in the clerks office of the  
county court of Lee County, and indexed in the name  
of the proper parties so as to operate as constructive  
notice to all.



Your Orator states that upon an execution which issued on said judgment, there is endorsed thereon by George E. Brunk then a constable of this county a return in the following words and figures. "No property found March 20 1877. George E. Brunk, Const."

Your Orator further states that at that time <sup>said Judge was rendered</sup> the said Harber and said Thomas were both insolvent and the latter continues so to be, and at the time both were citizens of Lee County Virginia, But since that time, the said Jeremiah Harber has removed to the State of Kentucky and is now a resident thereof and has been such for the last two or three years.

Your Orator further states that in July 1882 one Charles Daugherty departed this life <sup>in this county</sup> intestate and without issue, leaving a large and valuable tract of land lying in said county of Lee and on both sides of the main road about 15 miles west of the Court House and he also left a large and valuable personal estate amounting to several thousand dollars, but the precise amount thereof your Orator cannot state.

Your Orator further states that L.D. Fulkerson was appointed executor of the said Charles Daugherty's estate and as such has received large sums of money which is now in his hands, for the payment of debts or for distribution



Your Orator further states that in a suit recently decided in your Honor's court, it was ascertained and determined that the heirs of one Elias Harber dead, were entitled to the entire real and personal estate of the said Charles Daugherty dead. And your Orator here states that the said Jeremiah Harber is one of the children and heirs at law of said Elias Harber and is one of the heirs of said Charles Daugherty dead, and as such, and by the terms of settlement made in the suit referred to, the said Jeremiah Harber is entitled to one undivided fourteenth part of the real and personal estate of the said Charles Daugherty dead.

Your Orator states that his said judgment operates as a lien on the real estate which thus descended to the said Jeremiah Harber, and he is advised that the said Jeremiah Harber's entire interest in said real and personal estate, or so much thereof as is necessary for that purpose, is liable to be taken and applied by a court of equity, to the payment of your Orator's said judgment, and to attain that end is the object of this suit. Your Orator's prayer therefore is, that said Jeremiah Harber, Josiah Thomas, and L.D. Fulkerson, curator of the estate of said Charles Daugherty deceased,



he made party defendant to this bill, and he required  
to answer the same fully and truly on Oath. That  
said Fulkerson answer and say how much money  
there is in his hands which is or may become due  
the said Jeremiah Harber. That process of foreign  
attachment be issued against said Harber and lined  
upon said real and personal estate so as to hold the  
same subject to the order of your Honor in the premises  
that order of Publication be entered posted and published  
against said Harber and upon a final hearing of  
the cause a decree be rendered in favor of your Orator  
against said Harber and Thomas for said sum of  
\$50.00 with interest from January 1-1877 till paid, and  
the costs of this suit, that the real estate which the  
said Harber thus inherited, or so much thereof as is  
necessary be decreed to be sold to pay your Orator  
said judgment and costs. or if deemed more advisable  
that said Fulkerson be directed to pay your Orator  
the amount of said judgment and costs, out of the  
Money in hands due or to become due said Harber  
and your Orator prays for all general relief. May come  
monwatts writ of Spem ison directed &c.

Henry J. Morgan for Plff



C 6. 04 to Mr. 1884  
 S .50  
 P 5.00  
 A 15.00  
 Dec 6 50  
 \$27.04

Harvey M. Hall

vs { Bill + F. Attachment

Jeremiah Barber vs

1883. Sept 25<sup>th</sup> Bill Filed

" Oct 2<sup>nd</sup> Spa Aid + O.P.

" Nov, cont'd for O.P.

" Dec, O.P. Completed,  
+ Cause set for hearing.

" Nov. Term order cont'd.

1884 Mr. Decree + Cont'd

" Aug Decree + Cont'd

1885: Mr. Decree final



To the Hon. John A. Kelly Judge of the Circuit  
Court of Lee County Virginia:

The answer of L. D. Fulkerson to a bill  
filed in this Honorable Court against him & Jeremiah  
Harber by Harvey M. Hall.

Respondent says he knows nothing about the  
judgment sought to be enforced by the bill against his  
co-defendant Harber, he supposes it is true however that  
the latter is one of the heirs at law of Charles Daugherty  
deceased. And that as such he inherited  
one undivided fourteenth part of said Daugherty's  
real and personal estate. But as to how much  
of said personal estate said Harber may be entitled  
to, this respondent cannot now state.

Respondent says he is curator of said Daugherty's  
estate, and as such there has come into his hands  
some fifteen thousand dollars, and in all proba-  
bility something more may yet come into his hands as  
such, but he cannot now say precisely how much he  
has already received, or how much will hereafter  
come to his hands. Respondent is informed that  
the legates under the will of Pally Daugherty late  
widow of said Charles Daugherty are entitled under



the law of the land to one half of such personal estate as may remain after the payment of debts & charges and that the remaining half will have to be subdivided into fourteen equal parts of which his co-debt will be entitled to one of these parts or shares

Respondent further says that Chas. Daugherty was during his life admr. of John M. Beatty's estate, and died without having fully settled up the matters of that estate, and that recently some of the heirs of said Beatty have brought suit for a settlement of the matters of that estate, and are claiming that a considerable sum is due them from said Daugherty's estate, but as to how this may be respondent cannot state. These being facts respondent is advised that until these matters are all settled he cannot with safety to himself admit that there is any thing in his hands due or owing to his co-debt Harber.

But in addition to this, said Harber has already drawn orders on respondent in favor of J. M. Bales & C. E. Boyer for debts due them amounting to some \$50.00 or \$100. - The exact amount not now known, which is an appropriation to that extent, of any personal estate that may be due said Harber from this respondent.



Any personal estate which may be found ultimately  
found due said Barber in respondents hands, he  
is both ready and willing to pay to whomsoever  
your Honor may direct

Respondent having now answered as fully as  
deemed necessary prays to be hence dismissed:

L. D. Fulkerson  
Clerk



L.D. Fulkerson Curator

ad. } Answer

Harvey M. Hall

Filed Aug 1884

J. A. Stuyatt  
clerk



I Harvey M. Hall plaintiff in a certain chancery  
suit instituted by me in the circuit court of Lee  
County Va. against Jeremiah Harber & L. D. Fulkerson  
do swear that in said cause I verily believe that  
I ought to recover in said suit against said Harber  
the sum of \$50.00 with legal interest thereon from the  
first day of January 1877. till paid. That said sum is  
now justly due and owing to me from said Harber.  
That I have present cause of suit against him for  
the same, that he is a non resident of the state  
of Virginia, but that said Harber now owns real  
estate situated in said County of Lee. and that L. D.  
Fulkerson Curator of the estate of Charles Daugherty  
decd has in his hands personal estate due, or to  
become due said Jeremiah Harber. so help me God.

Sworn to before me by H. M. Hall. H. M. Hall  
this 1<sup>st</sup> day of Octo, 1883.

J. A. Hyatt  
clerk



Harvey M. Hall

25 1/2 Aff'd for Attachment

Jeremiah Harbert



# Virginia, Lee County---to wit :

To *George E Brunk* Constable for said county :

I hereby command you to Summon *Jeremiah Harbor and Josiah Thomas*

If to be found in in your district, to appear at *E H Russell* in the said county on the

*31<sup>st</sup>* day of *January* 1877, before me or such other Justice of said county as may then be there to

try this warrant to answer the complaint of *Harry M Hall* and upon a claim for

money not exceeding \$50.00, exclusive of interest, to wit : for the sum of \$ *50.00* due by *12<sup>th</sup>* and then and

there make return of this warrant. Given under my hand, this the *25<sup>th</sup>* day of *January* 1877.

*E H Russell* J. P.

*H M Hall* } *31<sup>st</sup>* day of *January* 1877.  
*Jeremiah Harbor & Josiah Thomas* } [In Debt.] at *E H Russell*

JUDGEMENT that the Plaintiff recover of the Defendant \$ *50 00* , with interest from the *1<sup>st</sup>* day of

*January* 1877 , till paid, and \$ *1 00* for costs. *E H Russell* J. P.

VIRGINIA. LEE COUNTY, TO WIT:—To *G E Brunk* Constable of said county :

I COMMAND YOU, in the name of the Commonwealth of Virginia, that of the goods and chattels of *Jeremiah Harbor*  
*and Josiah Thomas* in your county, you cause to be made the sum of \$ *50 00* with interest thereon

from the *1<sup>st</sup>* day of *January* 1877, till paid, which *H M Hall*

has recovered before *me* in a warrant in debt, and also the sum of \$ *1 00*

which were adjudged to the said *H M Hall* for costs in prosecuting *his* said warrant

Given under my hand, this the *31<sup>st</sup>* day of *January* 1877.

*E H Russell* J. P.



24 m Hall  
vs Jermirah Harber

Executed January  
31<sup>st</sup> 1877

George E Brunk cons  
e 1/2 property found marsh  
the 20<sup>th</sup> 1877  
George E Brunk cons

(A)

Filed & Docketed  
Sept 17 1883

G. R. Gibson clerk

On the with in one dollar



*Lis pendens*

Harvey M. Hall

vs.

Plff. In lhy & F. attachment

Circuit Court Lee

Jeremiah Harber & Deft. County Va.

The style of this suit now pending in the Circuit Court of Lee County is as above stated, and the object is to recover of the defendant Harber who is a non resident the sum of \$50.00 with legal interest from Jan 1<sup>st</sup> 1877. till paid and costs, and to subject to the payment thereof, one undivided fourteenth part of the real and personal estate of the late Charles Daugherty decd. now owned by the Deft. Jeremiah Harber. which has been laid on by process of foreign attachment. The real estate so attached is  $\frac{1}{14}$  th of the land on which said Daugherty lived at his death and  $\frac{1}{14}$  of his personal estate in the hands of L. D. Fulkerson his curator

Harvey M. Hall by

Henry J. Morgan

Virginia

Lee County Court Clerk's office, October 3<sup>rd</sup> 1883.

The foregoing Lis pendens against Jeremiah Harber was this day filed in this office and admitted to record. Leste -

J. H. Heath, J. C.



Harvey M. Hall

or { *Lis. pendens*

Jeremiah Harbo: tol

Recorded in Decr

Book No. 20 P. 289

J. A. E. Hyatt & Co.

October 3<sup>rd</sup> 1883



Virginia

In the Clerk's Office of the Circuit Court  
for Lee County at the Court House thereof  
on the 1<sup>st</sup> day of October 1883.

Harvey M. Hall

Deff

<sup>vs</sup> ~~Harber~~ <sup>Jeremiah Daugherty et al</sup> Defts } In Chancery

The object of this suit, is to recover  
against the Defendant Harber the sum of \$50.00  
with interest from the 1<sup>st</sup> day of January  
1877, till paid, and also \$1.00 as cost ~~in J. P.~~  
~~court~~ recovered before a Justice of the Peace,  
and to subject to the payment thereof 1/4 of  
the real Estate lately owned by Charles Dan-  
gerty dec'd, and the personal Estate belonging  
to the Defendant Harber which may be in  
the hands of L. J. Fulkerson Curator of the  
Estate of Charles Daugherty dec'd; and  
it appearing from an affidavit filed  
in this cause the defendant Harber  
is a non resident of this state: — It is  
Ordered that he appear here within one month  
after due publication of this order to do what  
may be necessary to protect his interest in this  
suit.

J. A. Hyatt  
Clerk



Harvey M. Hale  
Order Pub,  
No

Jeremiah Harber et als

I, certify that I  
delivered to the Editor  
of Lee Co. Sentinel, an  
official copy of the  
within order for  
Publication on the  
1<sup>st</sup> Octo, 1883, and  
posted a like copy  
on the 1<sup>st</sup> day of the  
October Co. Court  
1883. at the front  
door of Lee Court  
House.

J. A. Hyatt  
clerk



# THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting :

We Command You to Summon

*Jeremiah Harben  
and L. Q. Sulterson Curator of Charles  
Daugherty dec'd,*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

*October*

next being rule day to answer a bill in Chancery exhibited in our said Court against *them*

by

*Harvey M. Hall*

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This

*1<sup>st</sup>*

day of

*October*

1883

, in the 10

year of the Commonwealth.

*J. A. G. Hyatt* . Clerk



The proper affidavit having been made, the Officer serving this process, will attach the 14 part of the Real Estate lately owned by Charles Daugherty dead, and the personal estate belonging to the said Charles which may be in the hands of J. D. Fulkerson Curator of the Est of Charles Daugherty dead,

(H. M.)

Harvey M. Hall  
w<sup>3</sup>/<sub>3</sub> Spain Chcy  
Jeremiah Daugherty

To October Rules 1883.

By virtue of the order of attachment endorsed hereon, I have executed the same by levying this process on one undivided fourteenth part of the Real Estate owned by Chas Daugherty at his death & now belonging to the defendant Jeremiah Harber & I have further executed the same by delivering a copy of this writ to the wife of the defn L. D. Fulkerson & explaining the same to her. The said L. D. Fulkerson not being at his usual place of abode & his said wife being a white person over 16 years of age.

Oct 2<sup>nd</sup> 1883.

J. H. Emery & S  
Ex. D. for R. D. Fulkerson & Co.

J. H. Emery & S  
Oct 2<sup>nd</sup> 1883



## Publisher's Certificate.

Jonesville, Va., Nov. 2<sup>nd</sup>, 1883

I. F. R. STICKLEY, *Publisher of the LEE COUNTY SENTINEL*,  
a weekly newspaper published at Jonesville, Lee County, Virginia, do  
certify that the annexed Chancery Order was published four successive  
weeks in said newspaper, publication ending Nov 9, 1883.

I. F. R. Stickley, Publisher.

VIRGINIA.—In the Clerk's office of  
the Circuit Court for Lee County, at  
the Court House thereof on Monday the  
1st day of October 1883.  
Harvey M. Hall Pitf. }  
vs } In Ch'cy.  
Jeremiah Harber et als Defl. }

The object of this suit, is to recover  
against the defendant Jeremiah Harber  
the sum of \$50 00 with legal interest  
from the 1st day of January 1877 till  
paid and also \$1 00 as cost recovered be-  
fore a Justice of the Peace; and to sub-  
ject to the payment thereof one four-  
teenth part of the Real Estate lately  
owned by Charles Daugherty decd., and  
the personal Estate belonging to the De-  
fendant Harber, which may be in the  
hands of L. D. Fulkerson curator of the  
Estate of Charles Daugherty dec'd, and  
it appearing from an affidavit filed in this  
cause that the defendant Harber is a non  
resident of this State. It is ordered that  
he appear here with one month after due  
publication of this order, to do what may  
be necessary to protect his interest in this  
suit. A Copy Teste.  
H. J. Morgan P.Q., J. A. G. HYATT

Subscribed  
\$5.00  
2



My dear Mr. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]



Standing No. *414*

-IN-

# LEE CIRCUIT COURT.

P'ffs ATTY.		Def'ts ATTY.
<i>Stam</i>	<i>Hall Harney</i>	
P'ffs costs.	vs. { <i>Bill in</i>	Def'ts costs.
	{ <i>Chancery.</i>	\$
	<i>Jeremiah Harber</i>	
	<i>Sett</i>	
Total \$		\$

Reference Docket... / Page *33* Line *18*

1st calling.....Term 188.....

Decided *March*.....Term 188.....